
From: Jodi Arndt Labs <jodi@lcojlaw.com>
Sent: Tuesday, October 11, 2022 2:25 PM
To: Clark, Jacqueline
Cc: McLaughlin, Jolie; Cynthia Kuber
Subject: RE: Documents related to Warehouse Fire In Menominee, MI - KK Integrated Signed Documents
Attachments: KK Integrated Access Agreement.pdf

Follow Up Flag: Follow up
Flag Status: Completed

Good Afternoon Jacqueline,

Attached are executed copies of KK Integrated's GNL and Consent to Access documents. As suspected, Cynthia Kuber had every intention of executing and getting the documents to me this morning but got distracted with other issues related to the fire. She sends her apologies for the delay.

As for the access agreement, KK Integrated expects that the EPA and others engage with us as to any response activities that need to be taken and/or response costs to be incurred before significant actions are taken by the Agency, particularly non-emergency actions. KK Integrated would prefer that any actions that can be completed by it and/or its tenants (the other PRPs) be undertaken at their cost rather than having to reimburse the EPA for responses costs. KK Integrated will be working closely with its tenants, including Resolute and Tyco/Johnson Controls, as to the response activities that need to be undertaken as a result of the fire and their activities at the site to ensure such tasks are completed in a diligent and timely manner. KK Integrated's objective is to ensure that any and all necessary actions are taken to address any damage caused by the fire, including the remediation of any contamination at the property and/or in the surrounding community, and that such actions are taken by the responsible party(ies) at their cost.

During our conversation yesterday, you mentioned that the EPA onsite response team was looking for information as to the types of hazardous substances and/or chemicals may be present at the site. It is our understanding that Resolute, Tyco and Chem Design have provided all of the information as to everything they had on site at the time of fire, including copies of MSDSs for all chemicals stored on site. KK Integrated does not have independent knowledge as to what may have been stored by any of its tenants. The only direct knowledge it has is with respect to the small portion of the warehouse wherein it had equipment stored. KK Integrated was not storing any chemicals or hazardous substances on site. The primary type of equipment stored on site by KK Integrated were various forklifts. All of the forklifts stored at the warehouse are propane-powered; the propane is stored separately from the forklifts in a different location.

Please do not hesitate to contact me if you have any questions or need anything further from us.

Thank you.

JODI ARNDT LABS

Attorney

Law Firm of Conway, Olejniczak & Jerry, S.C.

231 S. Adams Street | P.O. Box 23200

Green Bay, WI 54305

P: 920-437-0476 F: 920-437-2868

E: jodi@lcojlaw.com



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From: Clark, Jacqueline <clark.jacqueline@epa.gov>
Sent: Tuesday, October 11, 2022 11:43 AM
To: Jodi Arndt Labs <jodi@lcojlaw.com>
Cc: McLaughlin, Jolie <McLaughlin.Jolie@epa.gov>
Subject: RE: Documents related to Warehouse Fire In Menominee, MI

Hi Jodi – I am following up with you about the access agreement and GNL. I understand that the local fire department has asked that EPA collect air samples on site at the warehouse to assess inhalation safety of first responders; thus, obtaining access is a top priority. The sampling work that the fire department is requesting falls under the category of site assessment work, and EPA is interested in taking other site assessment-type sampling in the near future. We will share the sample results we receive and would likewise be interested in receiving any sample results obtained by KKIL and other parties.

Can you please reach out if you have questions, and let me know when I may expect agreement on access and acknowledgment of the GNL? I am happy to discuss questions/concerns further and will be generally available today except for 12-1:30 pm. Separately, I also want to introduce my co-counsel, Jolie McLaughlin, cc'd to this email. Thank you -Jacquie

Sincerely,

Jacqueline Clark

Associate Regional Counsel
Office of Regional Counsel
U.S. EPA, Region 5 – Chicago
77 West Jackson Boulevard
Chicago, Illinois 60604-3590
312-353-4191 (direct)
clark.jacqueline@epa.gov



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From: Clark, Jacqueline
Sent: Monday, October 10, 2022 3:29 PM
To: Jodi Arndt Labs <jodi@lcojlaw.com>
Subject: RE: Documents related to Warehouse Fire In Menominee, MI

Hi Jodi – I can confirm that Tyco (signed and sent by Johnson Controls personnel) and Fibrek Recycling US Inc. (parent of Resolute Forest Products) have returned a signed General Notice Letter (GNL). We are awaiting still a signed GNL from a company I believe is called Chem Design, another warehouse tenant. We also have obtained verbal access agreement from Resolute Forest Products as owner of the paper mill adjacent to the warehouse, and are awaiting a signed access agreement from the same. As we currently understand that Tyco/Johnson Controls, Resolute Products, and Chem

Design are all warehouse tenants, we are looking to KK Integrated as the owner of the warehouse to provide access to the warehouse property. EPA's preference is to have responsible parties perform response work, and I'm happy to discuss that and the access agreement further if you have additional questions. Since today is a federal holiday, I won't be at my desk much more this afternoon/evening, but you can reach me by phone easily at 312.353.4191 to discuss further today. Thank you -Jacquie

Sincerely,

Jacqueline Clark

Associate Regional Counsel
Office of Regional Counsel
U.S. EPA, Region 5 – Chicago
77 West Jackson Boulevard
Chicago, Illinois 60604-3590
312-353-4191 (direct)
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From: Jodi Arndt Labs <jodi@lcojlaw.com>
Sent: Monday, October 10, 2022 1:18 PM
To: Clark, Jacqueline <clark.jacqueline@epa.gov>
Subject: RE: Documents related to Warehouse Fire In Menominee, MI

Good Afternoon Jacqueline,

Thanks for forwarding over the two documents. I will be speaking with Cynthia Kuber shortly about the forms. During our call, you referenced the fact that Tyco has already signed the General Notice of Potential Liability form and that Johnson Controls may have. I see that there is a signature required on both the General Notice letter, as well as the Consent for Access to Property form. Have Tyco and others signed that document as well? I ask because I know that KKIL will be concerned that signing such form appears to be a "blank check" for the EPA to perform all of the activities itemized on the form. I suspect that there would be discussions about responsibility for those actions that are not required immediately (e.g., preparing for and disposing of hazardous substances, investigation of the contamination at the property, removal action, etc.) before the EPA undertook such activities so the various PRPs can discuss and elect to perform such activities. Is that correct?

JODI ARNDT LABS

Attorney

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From: Clark, Jacqueline <clark.jacqueline@epa.gov>
Sent: Monday, October 10, 2022 12:31 PM
To: Jodi Arndt Labs <jodi@lcojlaw.com>
Subject: FW: Documents related to Warehouse Fire In Menominee, MI

Hi Jodi – Please see below. -Jacquie

Sincerely,

Jacqueline Clark

Associate Regional Counsel
Office of Regional Counsel
U.S. EPA, Region 5 – Chicago
77 West Jackson Boulevard
Chicago, Illinois 60604-3590
312-353-4191 (direct)
clark.jacqueline@epa.gov



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From: Dollhopf, Ralph <Dollhopf.Ralph@epa.gov>
Sent: Monday, October 10, 2022 12:28 PM
To: Clark, Jacqueline <clark.jacqueline@epa.gov>
Subject: Fwd: Documents related to Warehouse Fire In Menominee, MI

Sent from my iPhone

Begin forwarded message:

From: "Thomas, Craig" <thomas.craig@epa.gov>
Date: October 9, 2022 at 7:14:19 PM CDT
To: Ckuber@kkil.net
Cc: "Dollhopf, Ralph" <Dollhopf.Ralph@epa.gov>, "Kirby-Miles, Leslie" <Kirby-Miles.Leslie@epa.gov>, "Clark, Jacqueline" <clark.jacqueline@epa.gov>
Subject: Documents related to Warehouse Fire In Menominee, MI

Based on your conversation with Mr. Dollhopf, please find the following documents. We ask that you sign, witness, and return them to us electronically.

We also request you contact Mr. Dollhopf at 231-301-0559 or myself early tomorrow to discuss your company's coordination with EPA and other state and local agencies.

Craig Thomas

US EPA Region 5 On-Scene Coordinator
Emergency Response Branch
77 W. Jackson Blvd., SE-5J
Chicago, IL 60604
312-886-5907 office
312-802-9637 cell

This email has been scanned for spam and viruses by Proofpoint Essentials. Click [here](#) to report this email as spam.

CONSENT FOR ACCESS TO PROPERTY
KK Integrated Logistics
Menominee, Menominee County, Michigan

Property Owner:

KK Integrated Logistics

Address/Location of Property:

501 4th Street
Menominee, MI 49858


I consent to officers, employees, contractors, and authorized representatives of the United States Environmental Protection Agency (EPA) entering and having continued access to this property for the following purposes:

- Containing, securing and characterizing oil and/or hazardous substances present on the property;
- Conducting monitoring and sampling activity;
- Preparing for and disposing of oil and/hazardous substances;
- Performing other actions to investigate contamination on the property that EPA may determine to be necessary; and
- Taking any removal action to address any discharge or threatened discharge of oil and/or hazardous substances which EPA determines may pose an imminent and substantial endangerment to the public health or the environment.

I realize that these actions taken by EPA are undertaken pursuant to its inspection, removal and enforcement responsibilities under Sections 308 and 311 of the Clean Water Act, 33 U.S.C. §§ 1318 and 1321.

This written permission is given by me voluntarily, on behalf of myself and all other co-owners of this property, with knowledge of my right to refuse and without threats or promises of any kind.

11.OCT. 2022
Date


Signature of Property Owner



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 5
77 WEST JACKSON BOULEVARD
CHICAGO, IL 60604-3590

SE-5J

VIA EMAIL or HAND DELIVERY

Cynthia Kuber
KK Integrated Logistics

Re: Menominee Warehouse Fire Site
Menominee, Michigan
Site/Spill Identifier:
General Notice of Potential Liability

Dear Ms. Kuber:

The U.S. Environmental Protection Agency has documented the release or threat of release of hazardous substances, pollutants and contaminants into the environment from the Menominee Warehouse Fire Site ("Site") and is planning to spend public funds to control and investigate these releases. This action will be taken by EPA pursuant to the Comprehensive Environmental Response, Compensation, and Liability Act of 1980, as amended ("CERCLA"), 42 U.S.C. §§ 9601-9675 unless EPA determines that such action will be done properly by a responsible party or parties. Responsible parties under CERCLA include the current and former owners and operators of the Site, and persons who generated the hazardous substances, pollutants and contaminants or were involved in the transport, treatment, or disposal of the hazardous substances, pollutants and contaminants at the Site. Under Section 107(a) of CERCLA, 42 U.S.C. § 9607(a), where EPA uses public funds towards the cleanup of the hazardous substances, responsible parties are liable for all costs associated with the removal or remedial action and all other necessary costs incurred in cleaning up the Site, including investigation, planning and enforcement costs.

EPA is currently planning to conduct the following actions at the Site:

- Activate EPA's Emergency and Rapid Response Services and Superfund Technical Assessment and Response Team contractors;

- Develop a site-specific Health and Safety Plan, Sampling and Analysis Plan, Air Monitoring Plan, and Emergency Contingency Plan;
- Establish an Exclusion Zone, Contamination Reduction Zone, and Support Zone;
- Develop a cleanup strategy based on Site conditions;
- Perform haz-catting and laboratory analysis on containers as necessary;
- Conduct air monitoring throughout the removal process;
- Conduct surface water sampling;
- Evaluate potential impact on the water treatment plants and intakes;
- Supply alternate drinking water supplies to the public, if necessary;
- Oversee the transportation and disposal of waste generated; and
- Generate a report summarizing all removal activities.

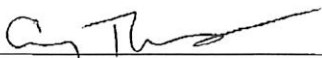
EPA has received information that you may have owned or operated the Site or generated or transported hazardous substances that were released at or from the Site. By this letter, EPA notifies you of your potential liability with regard to this matter and encourages you, as a potentially responsible party, to voluntarily perform or finance the response activities that EPA has determined or will determine are required at the Site.

Under CERCLA, the owner/operator/transporter of the source may carry out the necessary actions so long as they will perform them in an appropriate and prompt manner. If the owner/operator/transporter refuses to take adequate removal action, that person may be financially responsible for the cost of actions taken by the Federal Government to remove the hazardous substance and adequately mitigate its effects. The removal is being done properly if it is done in accordance with Federal and State statutes and regulations and the criteria of the National Contingency Plan at 40 C.F.R Part 300. If you undertake removal actions, the adequacy of such actions shall be determined by the Federal On-Scene Coordinator. If it is determined that you are not taking prompt and appropriate actions to clean up, contain and remove the hazardous substance(s), Federal response may be initiated. You may then be held responsible for the costs of response and for damages of up to three times the cost incurred by the Federal Government, as set forth in CERCLA.

Given the exigencies of the situation, U.S. EPA may also decide to issue an Administrative Order requiring you to undertake the necessary actions at this location.

Should you require further information concerning this matter, you should contact the On-Scene Coordinator Craig Thomas at (312) 802-9637 or Jacqueline Clark of the EPA Office of Regional Counsel at (312) 353-4191 or at clark.jacqueline@epa.gov.

Sincerely,


Federal On-Scene Coordinator

Date: October 9, 2022


Received and Acknowledged

Date: 11. OCT. 2022


Witness

Date: Oct. 11, 2022